

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA	:	
	:	
Respondent,	:	
	:	
v.	:	Criminal No. 09-ELH-0098
	:	Civil No. 17-cv-1836
TRENELL MURPHY,	:	
	:	
Petitioner.	:	
	:	
		...oOo...

**MOTION FOR EXTENSION OF TIME TO RESPOND
TO PETITIONER'S MOTION TO VACATE**

COMES NOW the United States of America, by and through undersigned counsel, and hereby seeks a 60-day extension of time to respond to the Petitioner's motion to vacate, and in support whereof states as follows:

1. On June 30, 2017, the Petitioner filed a *pro se* motion to vacate his sentence pursuant to 28 U.S.C. § 2255.¹ ECF 71. On July 6, 2017, the Court ordered the Government to respond within sixty-days. ECF 72.
2. On, or about this time, the Petitioner was represented by Michael DeMartin, Esq., in a separate criminal matter. Counsel consented to the Government's first request for a sixty-day extension to respond; the Court granted the request. ECF 74 and 75, respectively. Accordingly, the Government's response was due November 6, 2017.
3. On October 31, 2017, C. Justin Brown, Esq. entered his appearance on behalf of

¹ This is the Petitioner's second §2255 motion. The first Motion to Vacate Under §2255 was filed on July 1, 2011. ECF 39. This Court denied the motion and denied a certificate of appealability on April 1, 2014. ECF 70. There is no record that the court of appeals has authorized the filing of a second or successive §2255 motion. See *In re Vial*, 115 F.3d 1192, 194 (4th Cir. 1997). However, the Government is not seeking a ruling on this procedural issue at this time.

the Petitioner in all matters. ECF 79.

4. The parties have engaged, and continue to engage in discussions regarding the posture of this case. The parties continue to discuss a resolution in this matter. Therefore, the Government is once again seeking a 60-day extension to respond to the Petitioner's motion.

5. Counsel for the Petitioner does not object.

A proposed order is attached.

Respectfully submitted,

Robert K. Hur
United States Attorney

By: _____/s/
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Filed ECF: October 12, 2018

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ORDER

Having read and considered the Government's motion for extension of time, and any opposition thereto, and for good cause shown, IT IS HEREBY ORDERED that:

- (1) The motion be and hereby is GRANTED;
- (2) The United States shall have until December 1, 2018, in order to file its response to the Petitioner's Motion to Vacate; and
- (3) The Clerk's Office shall transmit a copy of this Order to Petitioner and counsel for the United States.

IT IS SO ORDERED this _____ day of June, 2018

The Honorable Ellen L. Hollander
United States District Judge